

REMARKS

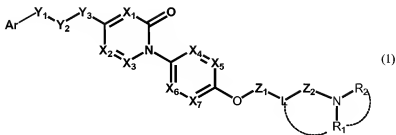
Applicants thank Examiner for withdrawal of the election of species requirement. Claims 26 and 30 through 51 are pending in this case. Claim 51 is withdrawn. Since claim 51 is a method claim, Applicants understand that rejoinder of this claim will be addressed upon allowance of the claimed subject matter.

Claims 26 and 30 have been amended. Claim 26 has been amended such that X_1 , X_2 and X_3 are each independently selected from unsubstituted methine and nitrogen atom, provided not all of X_1 , X_2 and X_3 simultaneously stand for nitrogen. Support for this amendment can be found throughout the originally-filed application for example at page 8, line 30 and originally-file claim 28. Claim 30 has been amended to correct dependency.

Claims 27-29 have been cancelled. Applicants reserve the right to pursue previously cancelled subject matter in one or more related applications. No new matter has been added to the application.

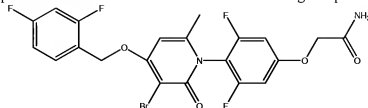
35 U.S.C. 102(b)

Examiner has rejected claim 26-28, 31-37, 40, 42, 43 and 50 as allegedly being anticipated under 35 U.S.C. § 102(b) by PCT Application WO2003/068230. Applicants disagree. As amended claim 26 claims a compound of formula (I):



wherein X_1 , X_2 and X_3 are each independently selected from unsubstituted methine and nitrogen atom, provided not all of X_1 , X_2 and X_3 simultaneously stand for nitrogen.

PCT Application WO2003/068230 discloses the following compound (Example 324):



wherein the pyridine ring includes a methyl-substituted methine in what is the equivalent of the X₃ position in Formula (I) of the present application and a bromine-substituted methine in what is the equivalent of the X₁ position in Formula (I) of the present application. Thus, the compound of Example 324 of PCT Application WO2003/068230 does not anticipate amended claim 26 since X₁ and X₃ of Formula (I) of the present application are independently selected from the group of unsubstituted methine and nitrogen.

Claims 27-29 have been cancelled and claims 31-37, 40, 42, 43 and 50 depend from and therefore include all the elements of claim 26. Thus, claims 31-37, 40, 42, 43 and 50 are also patentable over PCT Application WO2003/068230.

CONCLUSION

Applicants believe that the above amendments and arguments overcome the Examiner's objection, thus Applicants earnestly solicit a favorable response from the examiner.

Respectfully submitted,

By /Janet E. Fair, Reg. No. 56,042/
Janet E. Fair
No. 56,042
Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907

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Tel: (732) 594-6819